

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRUCE PARKER,

Plaintiff,

Case No. 23-cv-11684
Hon. Matthew F. Leitman

v.

BRANDON LEE, *et al.*,

Defendants

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 15) AND (2) DENYING
PLAINTIFF’S MOTION FOR A TEMPORARY
RESTRAINING ORDER (ECF No. 10)**

Plaintiff Bruce Parker is a state inmate in the custody of the Michigan Department of Corrections. On July 14, 2023, Parker filed this *pro se* civil-rights action against the Defendants. (*See* Compl., ECF No. 1.) Parker alleges, among other things, that the Defendants retaliated against him for filing grievances and complaints under the Prison Rape Elimination Act, that Defendants were deliberately indifferent to Parker’s risk of harm, and that Defendants violated his equal protection rights. (*See id.*)

Now before the Court is Parker’s motion for a temporary restraining order. (*See* Mot., ECF No. 10.) In the motion, Parker asks to be transferred to a different prison facility because he says that his conditions of confinement are not safe or

adequate. (*See id.*) The motion was referred to the assigned Magistrate Judge. (*See* Order, ECF No. 9.)

On October 3, 2023, the Magistrate Judge issued a Report and Recommendation in which he recommended denying Parker's motion (the "R&R"). (*See* R&R, ECF No. 15.) The Magistrate Judge concluded that Parker's motion should be denied because (1) the issues raised in Parker's motion were "unrelated to the claims in [his] complaint," (2) Parker failed to show that "the Defendants in this case have any control over what occurs at a facility at which they do not work," and (3) Parker never addressed the injunction factors applicable to his motion. (*Id.*, PageID.79-80.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.80-81.)

Parker has not filed any objections to the R&R. Nor has he contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Parker has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Parker's motion is **ADOPTED**.

IT IS FURTHER ORDERED that Parker's motion for a temporary restraining order (ECF No. 10) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 29, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 29, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126